

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

COOPERMILL MANOR, LP,

Plaintiff,

V

**HOUSING ENTERPRISE INSURANCE
COMPANY, INC.,**

Defendant.

Case No. 2:25-cv-00001

NOTICE OF REMOVAL

* * * * *

NOW COMES Defendant, Housing Enterprise Insurance Company, Inc., by and through its attorneys, Gregory, Meyer & Chapnick, P.C., and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby files the Notice of Removal of a cause of action filed in the Court of Common Pleas for Muskingum County, Ohio entitled, *Coopermill Manor LP v. Housing Enterprise Insurance Company, Inc.*, Case No. CH2024-0408, and states:

1. The action was commenced in the Court of Common Pleas for Muskingum County, Ohio against Housing Enterprise Insurance Company, Inc. (hereinafter “HEIC”) on December 4, 2024. A copy of all process, pleadings, orders and other papers served on HEIC in the state court action is attached as **Exhibit 1** hereto.

2. The action is a civil action for breach of contract and “breach of the duty of good faith and fair dealing and bad faith.

3. The Summons and the Complaint were served on HEIC on December 9, 2024. This Notice of Removal is being filed within 30 days of service of process, and is therefore, timely under 28 U.S.C. § 1446(b).

4. Pursuant to 28 U.S.C. §2201, 28 U.S.C. §1332(a)(1) and Rule 57 of the Federal Rules of Civil Procedure, this Court has original jurisdiction over the matter by reason of the diversity of citizenship of the parties. Plaintiff, and Defendant are citizens of different states, and the amount in controversy with respect to Plaintiff's claims exceeds \$75,000, exclusive of interest and costs as more fully alleged below.

5. Venue in this Court is proper under 28 U.S.C. § 1441(a) as the properties that are the subject matter of this insurance loss are located within this judicial district. Thus, this Court "embrac[es] the place where such action is pending." 28 U.S.C. § 1441(a).

PARTIES

6. Plaintiff is an Ohio limited partnership with its principal place of business in Zanesville, Ohio. The sole general partner in Plaintiff's limited partnership is Coopermill Manor GP, Inc. which is an Ohio corporation with its principal place of business in Zanesville, Ohio (**Exhibit 2**).

7. Defendant HEIC is incorporated in the State of Vermont with its principal place of business in Cheshire, CT (**Exhibit 3**, Citizenship Discl.).

AMOUNT IN CONTROVERSY

8. The amount in controversy is in excess of Seventy-Five Thousand dollars (\$75,000.00) based upon Plaintiff's demand for payment of \$9,053,104.23 (**Exhibit 4**, 2/9/2024 demand ltr.).

9. Plaintiff has also alleged a bad faith claim in which it also seeks recovery of attorney fees, damages for delay and punitive damages (Complaint ¶¶ 21, 22 and Wherefore), Alleged punitive and exemplary damages may be considered in determining the amount in controversy. *Halsey v. AGCO Corporation*, 755 Fed. App'x. 524, 529 (2018). These allegations

demonstrate that the amount in controversy on Plaintiff's individual claims readily exceed \$75,000.

REMOVAL PROCEDURE

10. No previous application has been made for the relief requested herein.

11. A copy of all process, pleadings, and orders served upon HEIC, as well as a Proof of Service of written notice of the Notice of Removal to all adverse parties and a copy of same being filed with the clerk of the State court is being filed with the notice as required by 28 U.S.C. §1446(a) and (d) (**Exhibit 1**).

12. Pursuant to 28 U.S.C. § 1446(d), a copy of the Notice of Removal is being served upon counsel for the Plaintiff, and a copy is also being filed with the Clerk of the Court of Common Pleas for Muskingum County, Ohio.

WHEREFORE, the Defendant respectfully requests that the action be removed from the Court of Common Pleas for Muskingum County, Ohio, to the United States District Court for the Southern District of Ohio, and that the Court assume jurisdiction of the action and make such further orders as may be required to properly determine the controversy.

Respectfully submitted,

/s/ Michele A. Chapnick
MICHELE A. CHAPNICK (0084349)
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Dated: January 2, 2025

CERTIFICATE OF SERVICE

Michele A. Chapnick, being duly sworn, deposes and says that she served a copy of the attached on January 2, 2025 by email and first class mail upon:

W. Anthony Loe, Esq.
Ohio Bar No. 0029528
One North Clematis Street, Suite 510
West Palm Beach, FL 33401
WALoe@merlinlawgroup.com
jdteam@merlinlawgroup.com

Attorney for Plaintiff

And a copy served on Court of Common Pleas for Muskingum County by the Court's efilng system on January 2, 2025.

/s/ Michele A. Chapnick
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